

# **TORONTO** STAFF REPORT

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August 28, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Request for Direction Report  
Official Plan and Rezoning Application 06 104568 NNY 25 OZ  
Site Plan Application 06 112849 NNY 25 SA  
Applicant: Mccarthy Tetrault LLP  
Architect: J.F. Brennan  
2130 Bayview Ave  
Ward 25 - Don Valley West

## Purpose:

This report recommends refusal of the application in its current form to construct 17 three-storey detached dwellings, 2 five-storey and 1 four-storey apartment buildings. The applicant has appealed Council's failure to address the application within the timeframe established by the Planning Act. The report seeks Council's direction for staff to attend the Ontario Municipal Board in opposition to the development as currently proposed.

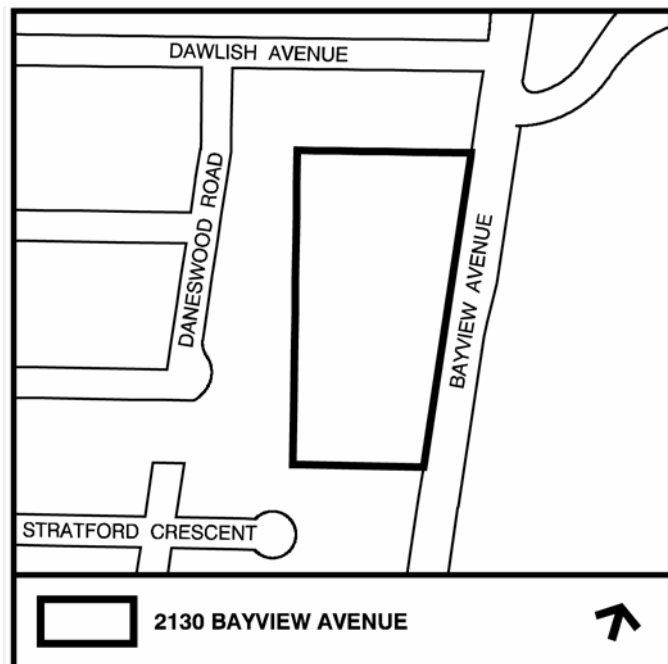
## Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

## Recommendations:

It is recommended that:

- (1) City Council refuse the Official Plan and Zoning By-law Amendments, and the Site Plan Control applications in their present form.
- (2) City Staff be authorized to appear before the Ontario Municipal Board Hearing in support of the recommendation above and in accordance with the



recommended revisions as outlined in this report, and the City Solicitor and any other appropriate City staff be authorized to take such actions as necessary to give effect to the recommendations of this report.

- (3) City Staff be authorized to continue discussions with the applicant, area residents, and the local Councillor to resolve any outstanding matters as identified in this report.

#### Background:

The application was initially submitted in January 2006 for Official Plan and Zoning By-law Amendments to permit the construction of 17 three-storey detached dwellings along an internal private driveway and 3 four-storey apartment buildings with rooftop access. The applicant appealed the applications to the Ontario Municipal Board in June 2006. A hearing date has not been scheduled.

On July 6, 2006 the Ontario Municipal Board issued Order No. 1928, bringing the majority of the new Official Plan into force and effect. However, the new Plan has not been brought into force for those matters that are currently before the Board for a hearing, including this application, which therefore will be evaluated under the former City of North York Official Plan.

#### Proposed Development

In May 2006 a revised application was received which consisted of 17 three-storey detached dwellings fronting onto a private U-shaped driveway, as well as 2 five-storey apartment buildings connected by a one storey link (Buildings '1' and '2') and 1 four-storey apartment building (Building '3') fronting onto Bayview Avenue. Buildings '1' and '2' were revised to include a partial fifth floor which provides access to private amenity space, as well as a rooftop garden.

The proposed development includes a total of 87 units with a total gross floor area of approximately 28,550 m<sup>2</sup> (1.4 FSI).

Parking for all of the units, including the single detached dwellings, will be provided in a below grade parking garage. A total of 225 spaces are proposed, 145 spaces for the apartment buildings, 58 for the detached houses and 22 visitor spaces.

#### Site and Surrounding Area Description

The subject lands are located on the west side of Bayview Avenue, just north of Blythwood Road.

Abutting uses are as follows:

North: single detached dwellings and the parking lot for Lawrence Park Community United Church, which fronts onto Bayview Avenue

South: to the immediate south of the site is Stratford Park. Further south there are single detached dwellings

East: Sunnybrook Hospital and Sunnybrook Women's Health Centre

West: single detached dwellings

The 2.0 hectare site is the former location of the William Booth Memorial College, which served as a training facility for the officers of the Salvation Army, closing in 2004. The property is listed on the City of Toronto Inventory of Heritage Properties.

### Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Issued under Section 3 of the *Planning Act*, the PPS sets the foundation for regulating the development and use of land. Municipal planning decisions "shall be consistent with" policy statements issued under the Act. The PPS includes policies which promote intensification, redevelopment and compact form, encourage transit and pedestrian supportive land uses, and provide for a range of housing types and densities to meet projected requirements.

### North York Official Plan

The subject lands are designated General Institutional (G-INS) within the North York Official Plan. This designation permits major institutional uses that serve the broader city and surrounding areas such as major health facilities, educational institutions and museums. Residential uses are not permitted.

The North York Official Plan Part C4, Section 4.2 provides general development criteria to direct development adjacent to stable residential neighbourhoods. The policies recognize that the scale and built form of new development is to be compatible with adjacent residential neighbourhoods and may be restricted to protect areas of "civic, historic, natural or architectural significance".

The North York Official Plan recognizes that in order to accommodate the City's need for additional housing, future residential development may be accommodated through the redesignation of non-residential lands for residential purposes. Part C4, Section 6 of the Plan sets out criteria to guide the redesignation of non-residential lands to permit residential development. These policies aim to balance the need to maintain and improve the quality of existing residential neighbourhoods and the need to provide opportunities for new housing.

## New Toronto Official Plan

On July 6, 2006 the Ontario Municipal Board issued Order No. 1928 bringing the majority of the new Official Plan into force and effect. The Order also repealed most of the policies of the North York Official Plan that were previously in effect. The Order did not bring into force the new Plan policies related to Section 37, Housing and floodplain 'Special Policy Areas'. In addition, the Plan has not been brought into force for those matters that are currently before the Board for a hearing or for those matters that remain to be adjudicated as part of the new Official Plan hearing process. As such the Order exempts this property from being subject to the policies of the new Official Plan as the applications were appealed to the OMB prior to the issuance of the July 6<sup>th</sup> order.

The subject lands are designated as "*Neighbourhoods*" under the new Official Plan. *Neighborhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, townhouses and interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

The new Official Plan provides policies for Neighbourhoods to ensure that new development respects and reinforces the physical pattern and character of established neighbourhoods. Policy 4.1(9) of the new Official Plan provides development criteria to guide infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established neighbourhoods.

## Zoning

The lands are zoned R3(7), which is a site specific zoning permitting the Salvation Army and accessory buildings.

## Site Plan Control

The applicant has submitted a concurrent proposal for Site Plan Approval. Site Plan Approval must be obtained prior to the enactment of the zoning by-law.

## Tree Protection By-law

The application is subject to the City of Toronto Tree Protection By-law, City of Toronto Municipal Code, Chapter 813, Article III, regarding mature trees on private property. A permit for injury and removal is required for trees proposed to be removed to accommodate the proposed development.

## Reasons for the Application

An Official Plan amendment is required as residential uses are not permitted under the former City of North York's Official Plan.

An amendment to the Zoning By-law 7625 is required, as the R3(7) zoning that applies to the site does not permit the proposed residential use.

## Community Consultation

A community consultation meeting was held on June 27, 2006. The meeting was attended by the local Councillor, Planning Staff, the applicant and approximately 50 area residents. Area residents have also provided written comments to Planning staff. The concerns raised by residents with respect to the proposed development were generally related to the following matters:

- the proposed height, massing and design of the apartment buildings and the single detached dwellings are not compatible with the surrounding community;
- the loss of the existing mature trees and landscape character of the site;
- loss of the historical attributes currently on the site;
- increase of traffic in the area;
- impacts on privacy and property values;
- construction impacts on adjacent properties including noise and dust; and
- the adequacy of municipal servicing to the site.

## Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application.

## Comments

The application was submitted in January 2006 and will be evaluated under the former City of North York Official Plan, which establishes criteria for the redesignation of non-residential lands for residential purposes. The former City of North York Official Plan also contains policies in Part C.4, Section 4.2 (General Development Criteria) and Section 5.0 (Criteria to Guide Redesignation of Residential Lands to Higher Density). Comments regarding these and other applicable policies that pertain to the proposed development are discussed under the following headings.

## Land Use

The former North York Official Plan designation "General Institutional" does not permit residential uses. This is an appropriate site for residential uses as it is abutting a stable

residential neighbourhood and the existing R3(7) zoning does permit low density residential uses. In addition, the site is designated as “*Neighbourhoods*” under the new Official Plan, which permit residential uses lower in scaled including single and semi-detached dwellings, and apartments that are no higher than 4-storeys in height.

### Density

The proposed development results in density of 1.4 FSI, which is compatible with the adjacent neighbourhood. Intensification of the site is appropriate given its location on Bayview Avenue, which is designated as an Arterial roadway and is well served by municipal services, including public transit.

### Existing Physical Context

Both the North York Official Plan and the new City of Toronto Official Plan contain policies stating that residential intensification is to be compatible in terms of scale and physical character of the existing area.

The subject lands are located on Bayview Avenue south of Lawrence Avenue. The physical character of this portion of Bayview Avenue is institutional with large setbacks and landscapes with mature trees. This site has campus like qualities, pavilion type buildings, large setbacks and mature trees that help form this context. This site is also the eastern edge of the Lawrence Park neighbourhood that consists of large single detached dwellings with generous lots and mature landscapes.

### Built Form and Massing

#### *Buildings ‘1’, ‘2’ and ‘3’*

The North York Official Plan includes compatibility criteria for new multiple residential development that is adjacent to the existing low density residential neighbourhoods. The criteria includes providing an appropriate transition in height and ensuring that the height, scale and built form does not create a significant adverse impact in terms of overview, shadowing, loss of privacy or loss of views.

The current proposal has reduced front yard setbacks with the edge of the development being closer to the street than most buildings along this portion of Bayview. Buildings ‘1’ and ‘2’ read as long, unbroken buildings, which are not compatible with the existing character of the area. In order to preserve this campus like character along this portion of Bayview Avenue, the applicant should increase the depth of the forecourt for Building ‘2’ by providing a minimum setback of 14 meters from the property line. In addition, all of the balconies in this area should be removed to respect the open space character of Bayview Avenue. The applicant is also

encouraged to remove the balconies and increase the depth of the forecourt for Building '1' to a minimum setback of 14 metres.

The proposal includes 3 condominium buildings that front onto Bayview Avenue. Building '1' and '2' are 5-storeys in height, with the 5<sup>th</sup> storey being stepped back. These buildings are connected by a 1-storey link. Building '3' is 4-storeys in height and located on the northern portion of the site. 17 three-storey single detached dwellings are proposed on the north and west sides of the site, adjacent the existing low density residential neighbourhood.

The building siting and massing provides for an appropriate transition in height, with the higher condominium buildings fronting onto Bayview Avenue and the detached dwellings being located on interior of the site, adjacent to the existing low density residential area.

Including the height of the parapet and the elevator shafts, the effective building height of each of the condominium buildings exceeds 21 metres. Buildings '1' and '2' have four full floors, and a partial fifth floor, which is a smaller floor plate and is set back significantly from the edge of the building. The fifth floor will provide private amenity space and access to the roof garden for the units on the fourth floor. The remainder of the units within Buildings '1' and '2' will have access to the roof garden via the common roof access. The proposed height of Building '1' and '2' can be supported on the basis that the building setbacks and the landscaping treatment are sufficient to ensure that potential negative impacts on the adjacent low density residential area will be minimized.

'Building 3', which is proposed to be four-storeys in height, does not meet the 45 degree angular plane from the property to the north-west, namely 305 Dawlish Avenue. The 45 degree angular plane is an accepted geometry of building relationship that is used throughout the City to determine an acceptable built-form relationship between the low-scale residential buildings and proposed multiple residential buildings. As such, the 4th floor of Building '3' on Bayview should be stepped back at the north-west corner and the mechanical penthouse shifted to the east, so that no part of the building exceeds the 45 degree angular plane.

The applicant has submitted shadow drawings which indicate acceptable shadow impacts on the adjacent streets, parks and residential area.

### *Single Detached Dwellings*

The 17 single detached dwellings are located at the rear of the site adjacent to an existing low density residential neighbourhood, comprised primarily of single detached dwellings. Each of these dwellings will be accessed from the underground parking garage located beneath the condominium buildings. This removes the need for at grade garages and hard-surfaced driveways and helps to improve the pedestrian environment and streetscape across the entire site.

The proposed height of the three-storey single detached dwellings range from 11.7 metres to 13 metres. The heights of the proposed single detached dwellings are acceptable as they are setback a minimum of 9.5 metres from the adjacent residential neighbourhood, and the 45 degree angular plane is maintained.

The proposal includes third floor terraces at the rear of the single detached units. Concerns have been raised with regards to these terraces and the impact they will have on the privacy of the adjacent residential neighbourhood. To minimize potential overlook, the floor area of the terraces should be reduced and redesigned to integrate screens with a minimum height of 1.4 metres. These screens may take the form of pergolas, planters, fences or a combination of these elements. The applicant has indicated that they have begun work with neighbouring residents regarding landscaping improvements, including increased tree planting and the design of the fence along the western edge of the property in an effort to further protect the privacy and views of the adjacent low density residential neighbourhood.

### Heritage Preservation

The site is the former location of the William Booth Memorial College, which served as a training facility for the officers of the Salvation Army, closing in 2004. The property is included on the City of Toronto Inventory of Heritage Properties. However, Heritage Preservation Services has advised that they will not be pursuing designation of the site

In recognizing the historical aspects of the site, City Staff have encouraged the retention of and integration of the existing tower element and preservation of the landscaped open character of the site. The applicant has stated that they cannot retain the existing tower element, but has suggested that they would be willing to reuse a portion of the brick from the existing buildings. This form of commemoration should include an interpretive plaque, describing the origin of the brick and explaining the historical significance of the site. The details of the plaque design including both text and images should be resolved to the satisfaction of the Manager, Heritage Preservation Services.

### Landscaped Open Space

In an effort to retain the existing high quality landscaped open space on the site, the applicant should retain as many of the mature trees on the site as possible, and to replace those trees to be removed with additional landscaping on the site which will further enhance the property and achieve a high quality streetscape and landscaped open space. The applicant has submitted a Landscape Plan, Landscape Inventory and a Planting Plan that shows the existing vegetation to be retained and proposed planting on the site. Additional information is required to conduct a detailed review of the landscaped open space.

The current proposal would require a number of these trees to be removed, including a number of large Beech trees that are in good condition, resulting in a loss of a cultural landscape feature. In order to preserve these trees, City Staff are requesting that the Beech trees be relocated to Stratford Park which is directly adjacent to the site.

## Transportation and Parking

Parking on the site will be provided exclusively in an underground parking garage. The applicant has proposed a total of 214 parking spaces, including 22 visitor spaces. Transportation Services has indicated that the proposed parking supply exceeds the minimum requirements of the zoning by-law and is acceptable.

A single entrance/exit ramp for the underground is proposed and is located on the outside, between Building '2' and the proposed single detached dwellings to the west. The ramp should be integrated into the building so that it is mostly enclosed, and its impact on the landscaped open space and the residents is minimized.

## Servicing and Proposed Road Improvements

The applicant is proposing one loading space to serve the proposed development, located at Building '3'. Technical Services has advised that the proposed loading is acceptable.

Garbage for all units, including the single detached dwellings, will be collected from Building '3'. Technical Services has advised that this is acceptable.

Further discussions with the applicant and Technical Services are needed to resolve several issues identified in their July 13, 2006 memorandum including: the right-of-way widening along Bayview Avenue; the alignment of the north and south driveway; and the relocation of the Bayview Avenue sidewalk. In addition, discussions are still ongoing with respect to encroachments into the required Bayview Avenue road widening.

## Pedestrian Environment

By locating all of the parking for the proposed development underground, the need for at grade garages and hard-surfaced driveways is eliminated, providing for an improved pedestrian environment on the site.

Pedestrian routes and walkways should be universally accessible through the site. The internal driveway should be moved at the south-west corner to create a minimum 1 metre setback between Building '1' and the proposed sidewalk to improve the pedestrian environment along the private driveway, and to provide privacy for the ground floor apartments.

The current drawings show the location of the hydro transformer and the gas regulator at the south end of the site, adjacent to Stratford Park. These elements need to be appropriately screened and integrated with the edge of the Park.

## Conclusions:

City Planning Staff recommends that Council refuse the application in its current form. The proposal would be acceptable if the following modifications are made:

### Existing Physical Context

1. To reinforce the existing physical character along this portion of Bayview Avenue, the depth of the forecourt of Building '2' along the Bayview frontage applicant should be increased by providing a minimum setback of 14 meters from the property line. In addition, all of the balconies in this area should be removed to create more openness within this space. The applicant is also encouraged to remove the balconies and increase the depth of the forecourt for Building '1' to a minimum setback of 14 metres.

### Built Form and Massing

2. In order to minimize possible overlook and privacy impacts to adjacent residents, the 4th floor of Building '3' on Bayview needs to be stepped back at the north-west corner. The mechanical penthouse should be shifted to the east to further reduce the impact so that no part of the building exceeds the 45 degree angular plane. It should be designed to integrate as much as possible with the existing physical character of the area.
3. To minimize potential overlook, the floor area of the terraces located at the rear of the single detached dwellings should be reduced and they should be designed to integrate screens with a minimum height of 1.4 metres.

### Heritage Preservation

4. To commemorate the historical significance of the site, brick from the existing buildings should be reused to create an entrance feature within the adjacent park. This feature should include an interpretive plaque, describing with pictures and text the origin of the brick and the historical significance of the site to the satisfaction of the Manager, Heritage Preservation Services.

### Landscaped Open Space

5. The large Beech trees on the site should be moved to Stratford Park at the expense of the applicant.

### Transportation and Parking Requirements

6. The parking ramp should be realigned so that it is enclosed within one of the building to minimize its impact on the landscaped open space and adjacent residents.

## Pedestrian Environment

7. To improve pedestrian amenity, the internal road should be moved at the south-west corner to create a minimum 1 metre setback between Building '1' and the sidewalk at its closest point.
8. The location of the hydro transformer and the gas regulator are currently proposed at the south end of the site. These elements need to be appropriately screened and integrated with the park edge of Stratford Park.

## Contact

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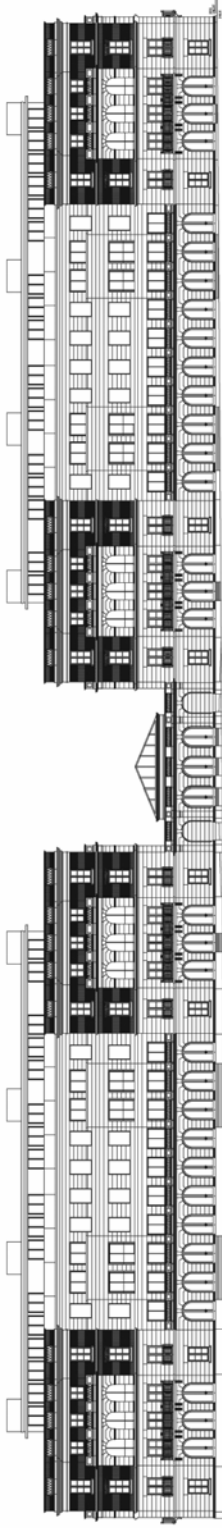
Thomas C. Keefe  
Director, Community Planning, North York District

## List of Attachments:

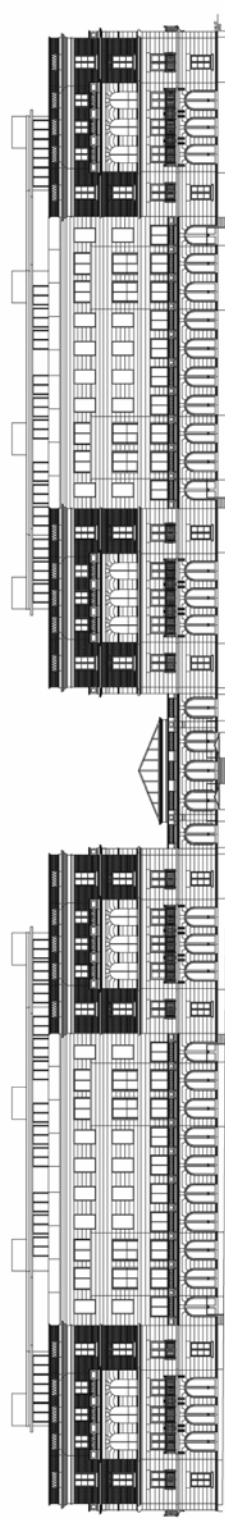
Attachment 1: Site Plan  
Attachment 2: Elevation 1  
Attachment 3: Elevation 2  
Attachment 4: Elevation 3  
Attachment 5: Elevation 4  
Attachment 6: Official Plan  
Attachment 7: Zoning  
Attachment 8: Application Data Sheet



**Attachment 2: Elevation 1**



**Buildings 1 & 2 - West Elevation**



**Buildings 1 & 2 - East (Bayview Avenue) Elevation**

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**Elevations**

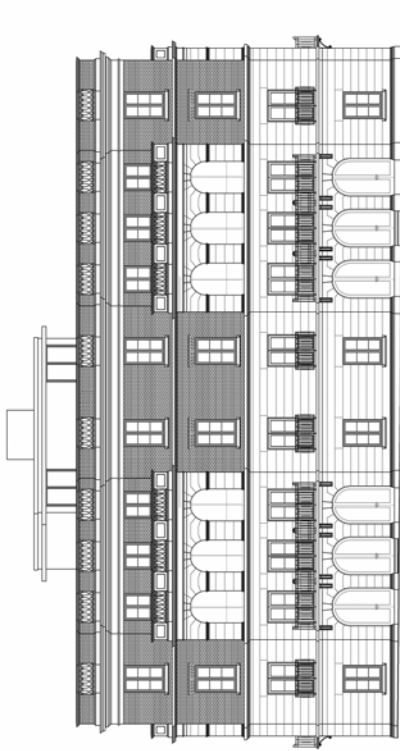
Applicant's Submitted Drawing

Not to Scale  
06/02/06

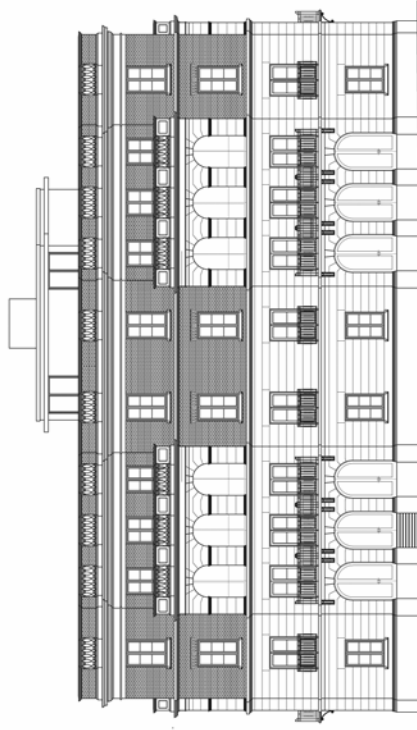
**2130 Bayview Avenue**

File # 06\_104568

Attachment 3: Elevation 2



Building 1 - South Elevation



Building 1 - North Elevation

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
06/02/06

2130 Bayview Avenue

File # 06\_104568

**Attachment 4: Elevation 3**



**Elevations - Building 3**

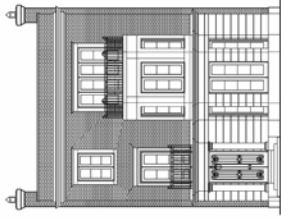
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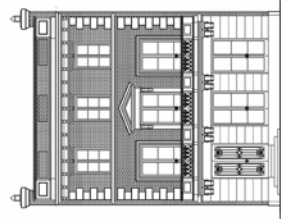
**2130 Bayview Avenue**

File # 06\_104568

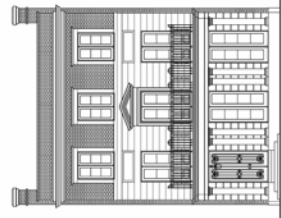
Attachment 5: Elevation 4



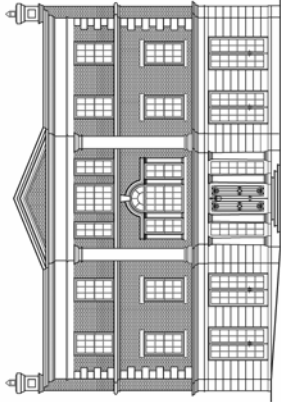
C3, C8 similar



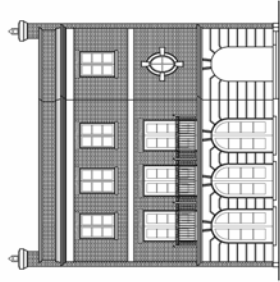
C2, C5, C6, C9 similar



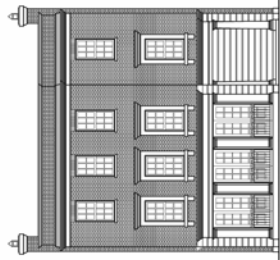
C1, C10 similar



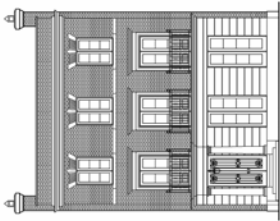
A1



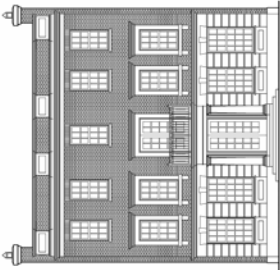
D3, D8 similar



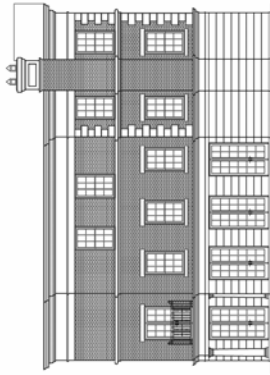
D1, D4 similar



C4, C7 similar



B1, B2 similar



A1 Park (South) Elevation

Townhouse Street Elevations

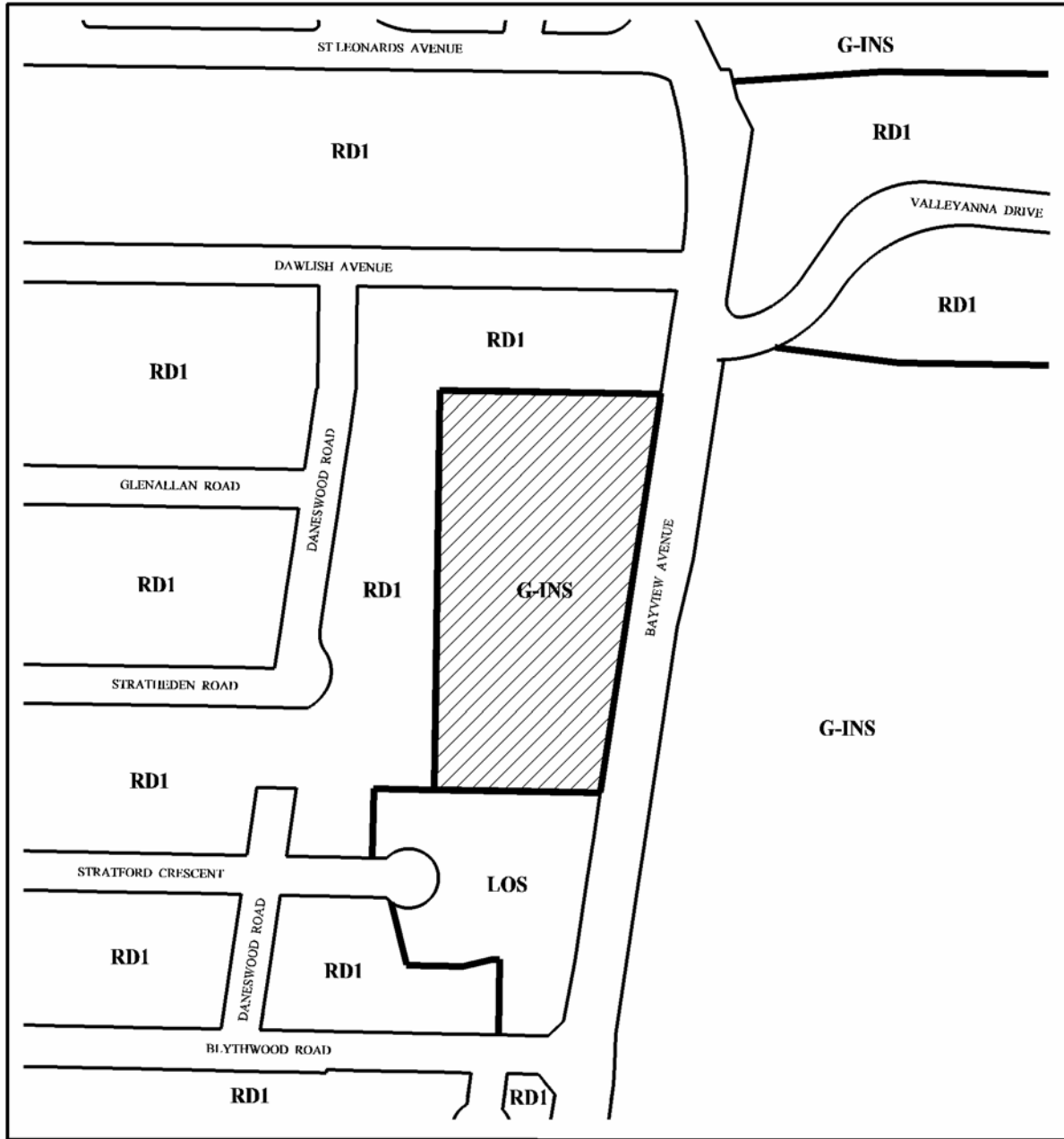
Applicant's Submitted Drawing

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06/02/06

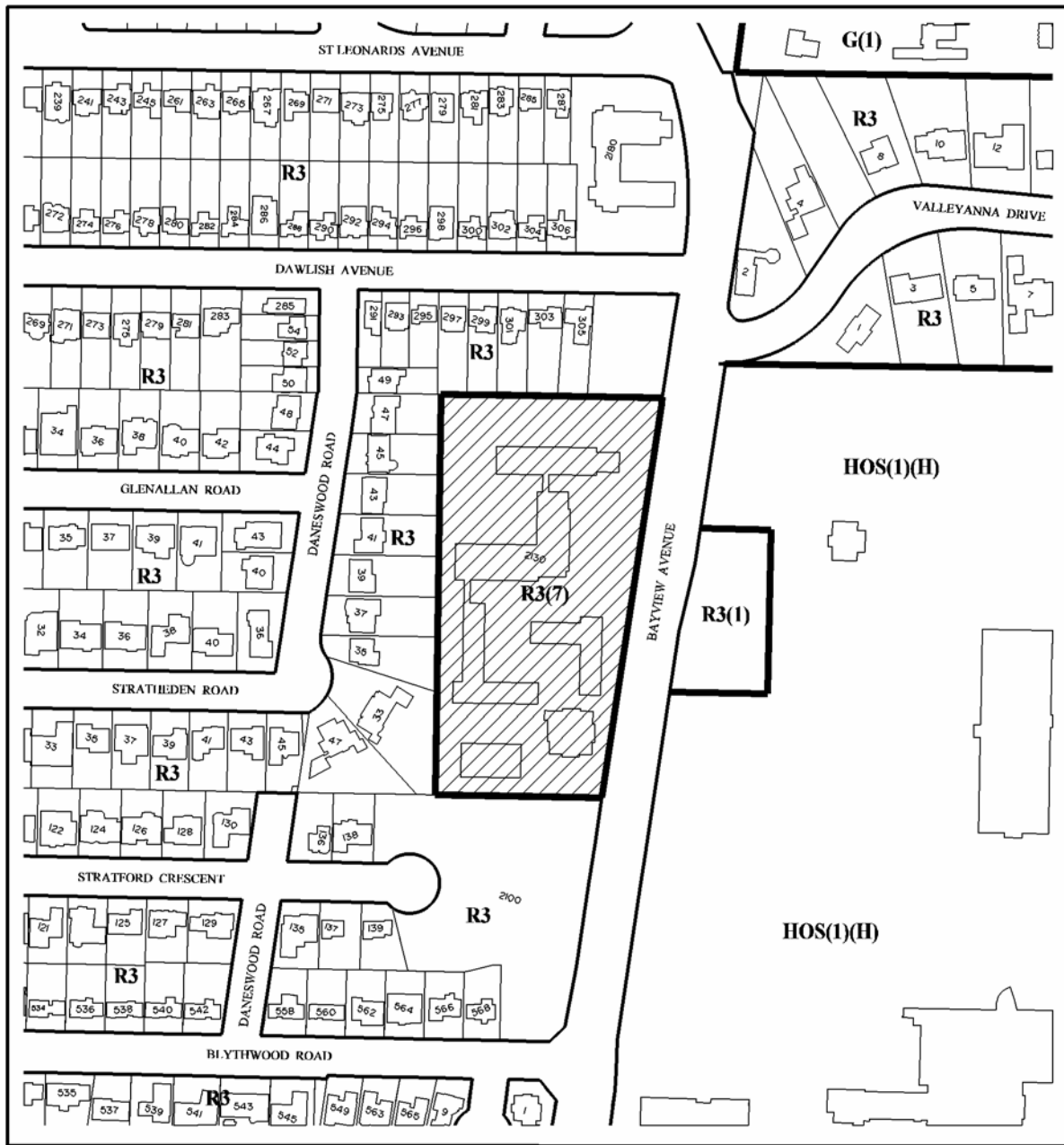
2130 Bayview Avenue

File # 06\_104568

Attachment 6: Official Plan (Map)



### Attachment 7: Zoning (Map)



## 2130 Bayview Avenue

File # 06\_104568

- R3 One-Family Detached Dwelling Third Density Zone
- HOS Hospital Zone
- G Greenbelt Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
 Zoning By-law 7625  
 Extracted 05/19/06



